

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAJAH

WRIT PETITION No.28029/1997

BETWEEN :

M/s. Modern Stone Crushing
Industries, by its Proprietor
Sri. Syed Kareem,
S/o. Late Syed Abdul,
Major, Plot No. 29/1,
Belawadi Industrial Area,
Mysore- 570 086.

.. PETITIONER

(By Sri. K. Krishnaswamy, Adv.)

AND :

1. Belawadi Grama Panchayat,
at P.O. Belawadi village,
Taluk & District : Mysore,

rep. by its Secretary.

2. The Karnataka State Pollution
Control Board, by its Member -
Secretary, 8th Floor,
Public Utility Building,
M.G. Road, Bangalore - 1.

.. RESPONDENTS

(By Sri. Gangadhar Sangolli for R2)

.. ..

This Writ Petition is filed under Articles 19, 20 and 226 of the Constitution of India with a prayer to quash the order vide Annexure-C dt.16.9.97 by RI and etc.,

This petition coming on for prl. hg. in 'B' Group this day, the Court made the following:

O R D E R

The petitioner after obtaining necessary licence established an industry in stone crushing in the year 1991. This licence has been kept in abeyance by notice dt.16.9.1997 issued by the secretary of the Grama Panchayath. This notice is under challenge in this Writ Petition.

2. The learned Counsel for the petitioner submitted that Secretary has not afforded any opportunity to the petitioner before suspending or keeping the licence under suspension. This fact has not ^{been} disputed by the respondent - Panchayath though served. When once the licence has been granted ~~after obtaining necessary licence~~ it is appropriate for the authority to afford opportunity to the person^s interested before passing any order adverse to his interest. In the case on hand, no such opportunity has^{ed} been afforded to the petitioner.

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3. In the result I pass the following order:
This petition is allowed. Notice issued by the
Secretary of the Grama Panchayath as per Annexure-C
is quashed. The matter is remitted to the 1st
respondent - Panchayath to re-consider the matter
afresh after due notice and after affording
opportunity to the petitioner.



CS/-

Sd/-
JUDGE